

## **REMARKS**

### **I. Status of the Claims**

Claims 1-4 stand rejected.

Claims 1-6 have been amended.

Claims 1-6 are pending.

Claim 7 has been added.

No new matter has been added.

### **II. Acknowledgement of Allowable Subject Matter**

The Applicant would like to thank the Examiner for the indication of allowable subject matter in claims 5 and 6. Applicant has amended claims 5 and 6 for purposes of clarity and not for reasons related to patentability as those claims were already in allowable form.

### **III. Rejections Under 35 U.S.C. § 102(b)**

Claims 1, 3 and 4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,507,076 to Anscher (hereinafter "Anscher"). The Examiner states that Anscher discloses a device or frame assembly having all of the features of the claimed invention. Further, the Examiner alleges that the phrase "refuse retrieval means" is not clearly defined as a structural element and that the lower end of the frame of Anscher may include a strap for attaching a collection bag. Applicant respectfully traverses the Examiner's rejection.

Applicant respectfully submits that Anscher fails to disclose each and every feature of the claimed invention as set forth in amended claim 1 and thus cannot anticipate that claim. In particular, Anscher discloses a side-release buckle having an improved locking mechanism. (See

*e.g.*, Abstract of Anscher) Anscher fails to disclose a frame for a refuse retrieval device having an outer and inner frame with an upper end and lower end with the lower end “including refuse retrieval scoop means.” (See Claim 1 of the present application) Moreover, Applicant respectfully states that the element “refuse retrieval scoop means” is sufficiently described in the specification of the present application to allow one of ordinary skill in the art to make and use the invention. Additionally, Applicant appreciatively acknowledges that the Examiner has allowed claim 5 which similarly includes the element “refuse retrieval scoop means.” Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

As claims 3 and 4 depend directly from independent claim 1 they are allowable for at least the reasons stated above in connection with claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,530,133 to Meyrat et. al (hereinafter “Meyrat”). The Examiner states that Meyrat discloses a device or frame assembly having all of the features of the claimed invention. Applicant respectfully states that Meyrat fails to disclose each and every feature of the claimed invention as set forth in amended claim 1 and requests that the rejection be withdrawn.

Applicant submits that Meyrat discloses a clasp for a watch wristband having interconnecting male and female components. (*See e.g.*, Abstract of Meyrat) Meyrat does not disclose a frame for a refuse retrieval device having an outer and inner frame with an upper end and lower end with the lower end “including refuse retrieval scoop means.” (See Claim 1 of the present application) Moreover, Applicant respectfully states that the element “refuse retrieval scoop means” is sufficiently described in the specification of the present application to allow one of ordinary skill in the art to make and use the invention. Additionally, Applicant appreciatively acknowledges that the Examiner has allowed claim 5 which similarly includes the element “refuse

retrieval scoop means.” Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

As claims 2-4 depend directly from independent claim 1 they are allowable for at least the reasons stated above in connection with claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

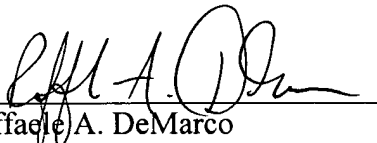
Applicant respectfully presents newly added dependent claim 7 to the Examiner. As claim 7 depends directly from independent claim 1, it is allowable for at least the same reasons as set forth above in connection with claim 1. Accordingly, Applicant respectfully requests that claim 7 is passed to issue.

### **CONCLUSION**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance and respectfully requests that the application be allowed to issue.

Dated: December 13, 2005

Respectfully submitted,

By   
Raffaele A. DeMarco

Registration No.: 54,061  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257

(212) 527-7701 (Fax)  
Attorney For Applicant